

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

KEVIN WILDER

CASE NO. 6:20-CV-01383

VERSUS

JUDGE ROBERT R. SUMMERHAYS

SCOTT MORGAN ET AL

**MAGISTRATE JUDGE CAROL B.
WHITEHURST**

JUDGMENT

Defendants Scott Morgan, the Lafayette City – Parish Consolidated Government ("LCG"), Officer Dylan Smith, Officer Trent Mouton, Officer Katelyn Baudoin, and Sergeant Ryan Shanahan filed a Motion to Dismiss Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.¹ The Court referred this motion to the Magistrate Judge, who issued a Report and Recommendation ("R&R") recommending that the Defendant's Motion to Dismiss be granted.² Wilder timely objected to the R&R,³ and Defendants filed a response to Wilder's objection.⁴ For the reasons stated in the Court's Ruling on Report and Recommendation,

IT IS ORDERED THAT the Court **GRANTS** the Motion to Dismiss **IN PART**, and **DENIES** the Motion to Dismiss **IN PART**. The Court adopts the Magistrate Judge's recommended disposition of the Motion with respect to Parts III, IV, V, and VI of the R&R. The court declines to adopt the recommendation in Parts II and VII of the R&R;

IT IS FURTHER ORDERED THAT (1) the Section 1983 claims asserted against defendants Morgan and Shanahan in their official capacities are dismissed with prejudice; (1) the Section 1983 bystander claims against defendants Smith, Mouton, Baudoin, and Shanahan are

¹ ECF No. 41.

² ECF No. 51.

³ ECF No. 52.

⁴ ECF No. 53.

dismissed with prejudice; (3) Wilder's state law claims against defendants Smith, Mouton, and Baudoin are dismissed with prejudice; and (4) all claims against John Does # 1-4 and ABC and XYZ Insurance Companies are dismissed with prejudice. In all other respects, the Motion is DENIED.

THUS DONE in Chambers on this 28th day of March, 2024.



ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE